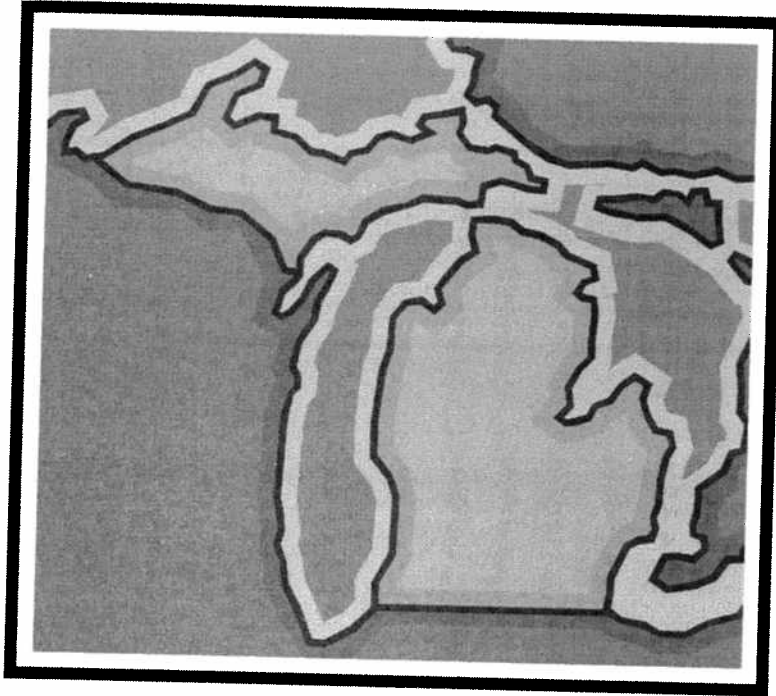


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SEXUAL ORIENTATION AND HOUSING DISCRIMINATION IN MICHIGAN

A Report of Michigan's Fair Housing Centers



*Fair Housing Center of Metropolitan Detroit
Fair Housing Center of Southeastern Michigan
Fair Housing Center of Southwest Michigan
Fair Housing Center of West Michigan*

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SEXUAL ORIENTATION AND HOUSING DISCRIMINATION IN MICHIGAN

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PROJECT DESCRIPTION

With funding from the Arcus Foundation, based in Kalamazoo, four Michigan fair housing groups set out to investigate housing discrimination based on sexual orientation. Tests were conducted by the Fair Housing Center of Southwest Michigan (Kalamazoo), the Fair Housing Center of Metropolitan Detroit, the Fair Housing Center of West Michigan (Grand Rapids), and the Fair Housing Center of Southeastern Michigan (Ann Arbor).

To complete this project, the Michigan Fair Housing Centers performed a total of 120 paired tests. The tests compared the treatment of test teams posing as same-sex couples to testers posing as heterosexual married couples. Same-sex testers were instructed to introduce themselves as “life partners.”

In each paired test, the same-sex couple was provided better credentials—higher income, larger down payment, better credit—in comparison to their counterparts. To test only one variable, sexual orientation, each side of the test was balanced for race and national origin.

Testers were sent to inquire about rental housing, homes for sale, and home financing options. Tested properties were located in rural areas, small cities, large cities, and college towns. Some properties were located in cities with fair housing ordinances that prohibit housing discrimination based on sexual orientation; other properties were located in areas without this protection. Testing was done of multi-family apartment complexes, real estate firms, and mortgage lenders.

Testing by the Michigan Fair Housing Centers uncovered widespread discrimination against same-sex couples. In some parts of the state, discrimination was more pervasive than in other parts of the state. This report describes the testing results, the status of legal protections for same sex couples in the housing market, and strategies for further action.

FEDERAL, STATE, AND LOCAL FAIR HOUSING LAW

The Federal Fair Housing Act of 1968 bans discrimination based on race, color, religion, national origin, sex, disability and familial status in the rental, sale, and financing of housing. The Michigan Elliott-Larsen Civil Rights Act of 1977 adds age and marital status to the federal protections. Seventeen states prohibit housing discrimination based on sexual orientation and gender identity, but Michigan is not among them.

Studies show that larger communities are more likely to have an anti-discrimination ordinance in place as opposed to those that are smaller. More importantly, communities with a progressive gay and lesbian population are more likely to enforce the laws as proposed by ordinances already in place (Wald et al, 1997). This holds true in Michigan where fourteen cities, including Detroit, Lansing, Grand Rapids, and Ann Arbor, include sexual orientation protections in their local ordinances.

This patchwork of local ordinances in Michigan cities acts more as a welcome mat than an enforcement tool. Enforcement, typically handled by the city attorney or local human rights commission, often takes the form of “dispute resolution.” Overall reporting is low and enforcement appears to be weak. Two cities, Ann Arbor and Saginaw, give complainants the right of private action—allowing discrimination victims to by-pass the city complaint process and go directly into district court.

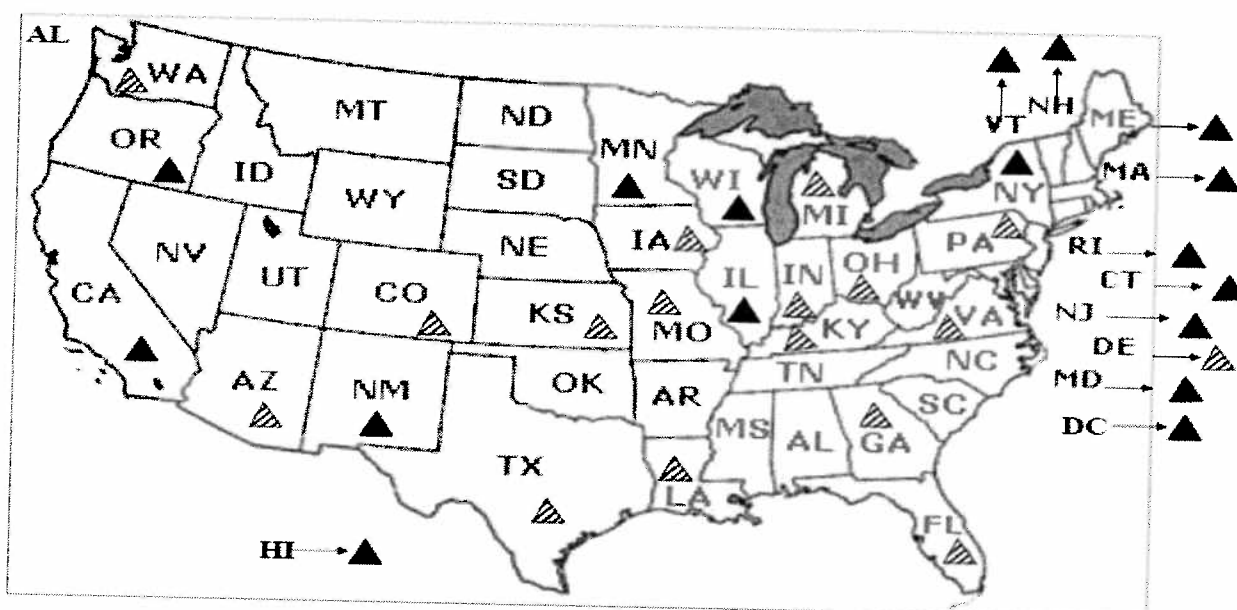
Without the civil rights protections based in law, it is not technically illegal to deny housing to families and individuals, simply based on the landlord, property manager, real estate agent or mortgage lender’s personal bias regarding sexual orientation and gender identity.

To pursue cases of housing discrimination based on sexual orientation, the Michigan Fair Housing Centers currently use the marital status provisions of the Michigan Elliott-Larsen Civil Rights Act and/or the Federal Fair Housing Act prohibition of sex discrimination. (See *Fogel v University Townhouses*.)

HOUSING DISCRIMINATION LAWS IN OTHER STATES

Seventeen states have laws prohibiting housing discrimination based on sexual orientation and (in some states) gender identity.¹ In addition over eighty cities have local ordinances prohibiting housing discrimination based on sexual orientation.

U.S. States that Ban Housing Discrimination Based on Sexual Orientation and U.S. States with Cities that Ban Housing Discrimination Based on Sexual Orientation



States Prohibiting Housing Discrimination based on Sexual Orientation

California, Connecticut, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington DC, and Wisconsin.²



States with Cities and Counties that have Local Ordinances Prohibiting Housing Discrimination based on Sexual Orientation

Arizona, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Ohio, Pennsylvania, Texas, Virginia, and Washington (Fair Amicus-

¹ These 17 states also includes laws prohibiting discrimination based on sexual orientation which cover public employment, public accommodations, private employment, education, housing, credit, and union practices. The inclusion of gender identity is not recognized by all states.

² The list of states with anti-discrimination laws was retrieved from The National Gay and Lesbian Task Force-Fair Amicus Local Laws <http://www.thetaskforce.org/downloads/FAIRAmicus-LocalLawsTable.pdf>. States and city/counties with anti-discrimination laws were identified from the same list. The map is a representation of the compiled information collected from that list.

LOCAL LAWS AND ORDINANCES IN MICHIGAN

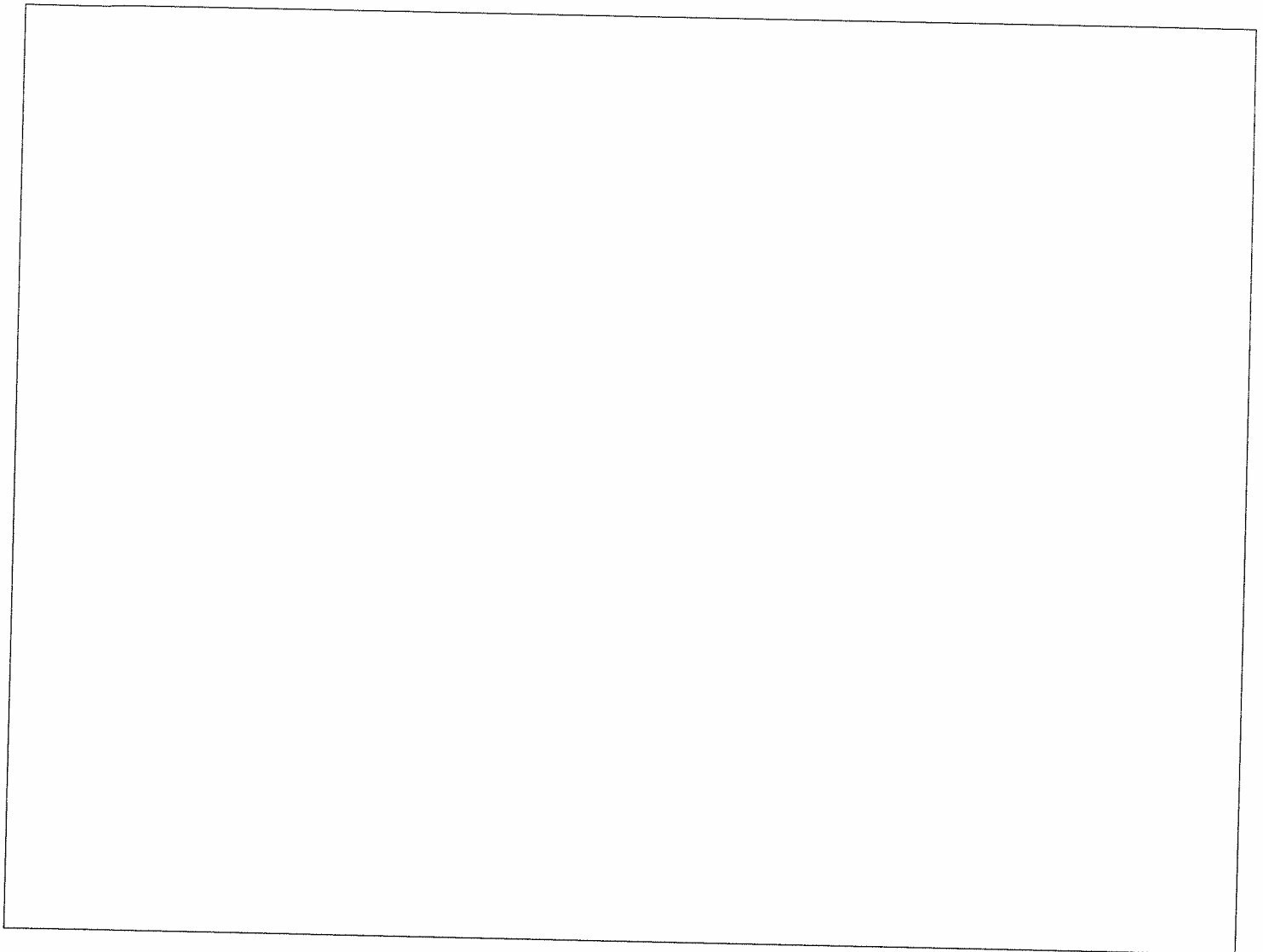
Michigan Cities that Prohibit Housing Discrimination Based on Sexual Orientation



Cities with local ordinances that prohibit housing discrimination based on sexual orientation³

Ann Arbor, Birmingham, Dearborn, Detroit, Village of Douglas, East Lansing, Ferndale, Flint, Grand Ledge, Grand Rapids, Lansing, Huntington Woods, Saginaw, and Ypsilanti are covered by local ordinances banning housing discrimination based on sexual orientation (2006).

³ Other cities in Michigan may prohibit discrimination based on sexual orientation for public employment, public accommodations, private employment, education or credit. The cities included in the map only reference cities with an ordinance that include sexual orientation in the civil rights clause which prohibits housing discrimination.



**Michigan Cities with Ordinances Prohibiting
Housing Discrimination Based on Sexual Orientation as of 2006**

City	Year Sexual Orientation was added	Ordinance	Right of Private Action?	Penalty / Fine	Civil or Criminal?
Ann Arbor	1978	City Code Ch. Ch.112, Ordinance No. 4-78 Sec 9:150, et seq.	Yes	\$500 per day	Civil

Michigan Cities with Ordinances Prohibiting Housing Discrimination Based on Sexual Orientation as of 2006

Birmingham	1992	City Code Ch. 66., Article II, as amended by Ordinance No. 1520	No	Not to exceed \$500 fine, or imprisonment not more than 90 days or both	Civil
Dearborn Heights	2006	Section 2-580	No	No fines, conciliation only	Civil
Detroit	1979	City code Ch. 27, Ordinance No. 330-H	No	No fines, dispute resolution only	Civil
Village of Douglas	1995	Ordinance No. 139	No	No fines, dispute resolution only	Civil
East Lansing	1986	City Code ch.4 Section 1.120 et seq. as amended by Ordinance No 644	No	\$1,000+costs, damages, expenses	Civil
Ferndale	2006	Ordinance No. 1016	No	Not more than \$500.00 fine + costs	Civil
Flint	1990	Ordinance No. 2602 Sec. 2	No	Injunctive relief, and dispute resolution only	Civil
Grand Ledge	2000	Resolution No. 04	No	Not to exceed \$500 fine, or imprisonment not more than 90 days or both	Civil
Grand Rapids	1994	City Code Ch. 8 Article 3, Sec 1.341 et seq. Ordinance No. 94-18	No	Dispute resolution only	Civil

Michigan Cities with Ordinances Prohibiting Housing Discrimination Based on Sexual Orientation as of 2006

Huntington Woods	2001	Ordinance No. 454	No	Up to \$500 fine, + all damages, costs, expenses, sanctions and remedies	Civil
Lansing	2006	City Code Ch. 297	Yes	Up to \$500/day fine, + actual damages, costs	Civil
Saginaw	1984	General Code Article 3	Yes	Not to exceed \$500 fine, or imprisonment not more than 90 days or both	If violator does not voluntarily comply, it becomes a criminal misdemeanor
Ypsilanti	1997	City Code Ch. 67, Ordinance No. 865	No	Mediation or conciliation only	Civil

TESTING RESULTS

Of the 120 paired tests completed, greater than one in four of them showed disparities in treatment. Sixty percent of the tests, overall, showed no significant differences in treatment and 13% of the tests were deemed inconclusive.⁴ In the 32 (27%) tests that did show disparity in treatment based on sexual orientation, we found differences in rental rates, level of encouragement and application fees that favored the male/female test teams. We also saw behavior bordering on sexual harassment directed toward testers posing as same-sex couples.

Levels of discrimination found across the state diverged widely, as indicated in the table below. It is unclear whether this is due to differences in the local housing markets; differences in the types of tests completed (rental, sales, or mortgage); the presence of local ordinances protecting sexual orientation; differences between the ways lesbians and gay men are treated; or other factors such as how well the tester fit into the stereotypical idea of what it means and looks like to be a woman or what it means or looks like to be a man (i.e., did the female tester wear make-up, have long hair, look feminine etc.) A complete log of paired tests can be found in the appendix.

Michigan Fair Housing Centers Housing Discrimination and Sexual Orientation										
	Total		FHC- Detroit		FHC- Southeast		FHC-Grand Rapids		FHC- Southwest	
	#	%	#	%	#	%	#	%	#	%
Total Paired Tests Completed:	120		36		36		36		12	
Test Type										
Rental	48	40%	12	33%	12	33%	12	33%	12	100%
Sales	36	30%	12	33%	11	31%	12	33%	0	0%
Mortgage	36	30%	12	33%	13	36%	12	33%	0	0%

⁴ Tests are deemed inconclusive if, for example, there are no housing available for either team to inspect.

Michigan Fair Housing Centers Housing Discrimination and Sexual Orientation

	Total		FHC-Detroit		FHC-Southeast		FHC-Grand Rapids		FHC-Southwest	
Test Results:	120		36		36		36		12	
Evidence of Discrimination	32	27%	3	8%	15	42%	8	22%	6	50%
No Significant Differences	72	60%	23	64%	20	56%	28	78%	1	8%
Inconclusive	16	13%	10	28%	1	3%	0	0%	5	42%
Race of Testers:	120		36		36		36		12	
White	113	94%	31	86%	34	94%	36	100%	12	100%
African American	5	4%	5	14%	0	0%	0	0%	0	0%
Inter-racial couples White/Black	1	1%	0	0%	1	3%	0	0%	0	0%
Inter-racial couples White/Latino	1	1%	0	0%	1	3%	0	0%	0	0%
Gender of Same-Sex Couple:	120		36		36		36		12	
Men	42	35%	14	39%	8	22%	18	50%	2	17%
Women	78	65%	22	61%	28	78%	18	50%	10	83%
Local Ordinance Covers Property?	120		36		36		36		12	
Yes	49	41%	8	22%	12	30%	28	78%	1	8%
No	71	59%	28	78%	24	70%	8	22%	11	92%

As can be seen from the data above, more than one in four tests resulted in evidence of discrimination. However, the incidence of evidence varied widely between geographic areas. In addition to the fact that housing markets vary, other factors may influence the results. For instance, two-thirds of the Arcus project same-sex testers were women, and 94% of Arcus testers were white. More testing is needed to see how the race and sex of testers are influencing factors in some housing markets.

The largest percentage of tests producing evidence was in rental tests (33%), followed by sales tests (25%), and then mortgage tests (20%). This may be indicative of higher levels of discrimination in the rental market, or it may be indicative of the fact that we did “initial” tests. Discrimination in sales and mortgage transactions may take place further into the transaction. For instance, in mortgage transactions discrimination may not manifest until a mortgage is ready to be approved.

Fair Housing Center of Metropolitan Detroit

The Fair Housing Center of Metropolitan Detroit conducted 36 tests, over a wide swath of metropolitan Detroit towns in Wayne, Oakland, and Macomb counties. The housing markets vary widely in this area. Evidence was found in only three tests, the lowest of any area—one rental test, one sales test, and one mortgage test. It is worth noting that although only 14% (5) of the tests were done with African-American testers, 66% of the tests with evidence involved African-American testers. It may be that in the metropolitan Detroit area, race affects housing decision-makers actions more strongly than sexual orientation.

Fair Housing Center of West Michigan

The Fair Housing Center of West Michigan conducted 36 tests, 12 rental, 12 sales, and 12 mortgage. Evidence of discrimination based on sexual orientation was found in 25% of the rental tests, 25% of the mortgage tests, and 17% of the sales tests. Testing was concentrated in four areas: Grand Rapids (28 tests), Kentwood (2 tests), Wyoming (4 tests), and Comstock Park (2 tests). Grand Rapids has a local ordinance protecting sexual orientation, and only 18% of the tests in the City of Grand Rapids showed evidence of discrimination based on sexual orientation.

In the suburbs, however, none of which have local ordinances protecting sexual orientation, 38% of all tests identified evidence of discrimination.

Fair Housing Center of Southwest Michigan

The Fair Housing Center of Southwest Michigan completed 12 rental tests. Fully half of their rental tests uncovered evidence of discrimination based on sexual orientation. All but one of their tests were completed in areas without an ordinance, and 55% of the tests in the areas without an ordinance identified evidence of discrimination. The single test in an area with an ordinance prohibiting discrimination based on sexual orientation did not provide evidence of housing discrimination.

The Fair Housing Center of Southwest Michigan conducted a similar testing project in 2003-2004, within the greater Kalamazoo area. At that time, FHC-Southwest completed thirty paired tests—10 rental, 10 sales and 10 mortgage tests. This testing showed significant differences or evidence of discrimination in 70% of the rental tests, 30% of the real estate sales tests, and 50% of the mortgage lending tests.

Fair Housing Center of Southeastern Michigan

The Fair Housing Center of Southeast Michigan completed 36 tests—12 rental, 11 sales, and 13 mortgage—in the Ann Arbor/Ypsilanti area. Bias against same-sex couples was found in 46% of the tests in areas without an ordinance, and 33% of tests in areas with a non-discrimination ordinance.

EXAMPLES OF DIFFERENCES IN TREATMENT

In Detroit a landlord said: "No drugs, prostitution, homosexuality, one-night stands..."

In a Detroit suburb two women stood for 15 minutes while a real state agent printed out listings for them. The heterosexual couple was offered a seat while the same agent worked with them.

Two women, posing as a lesbian couple were told by a male agent in a small town in Washtenaw County: "Two women don't bother me; its two men I don't understand, I think it's gross. I have no problem with you girls. I kind of like it. I can totally get into that." He proceeded to inform the testers that if they moved in they could call him anytime to fix anything they needed.

In Ypsilanti (Washtenaw County), testers also posing as a lesbian couple were quoted a rent of \$625/month, while for the same property, the female tester posing as married to a man was told the rent was \$600/month.

In a rural area of Washtenaw County, straight testers were given an application and told "we'd love to have you." The same agent failed to give the lesbian couple an application.

In Calhoun County, a lesbian couple was shown one apartment, available at the end of the month. The heterosexual couple was told about two apartments available for immediate occupancy.

In Battle Creek, a lesbian couple was shown one apartment. The heterosexual couple saw two units and was offered \$200 off the first month's rent as an incentive to move in.

CURRENT LEVEL OF COMPLAINT ACTIVITY

The Fair Housing Centers in Michigan receive between 350 and 450 complaints of discrimination annually. Between 2002 and 2005, only 13 complaints, or approximately 1%, were complaints of discrimination based on sexual orientation. This number, however, is likely highly unrepresentative of actual discrimination.

Lesbians and gay men who are discriminated against may not know that there are any opportunities for action, and/or may not know of the existence of Fair Housing Centers. With the release of this report, we hope to encourage lesbians and gay men who believe they have been discriminated against in housing, to come forward and lodge complaints.

Complaints of Housing Discrimination Based on Sexual Orientation Reported to Private Fair Housing Centers in Michigan 2002-2005	
Fair Housing Group	Number of Sexual Orientation Complaints
Fair Housing Center of Metropolitan Detroit	3
Fair Housing Center of Southeastern Michigan	6
Fair Housing Center of Greater Grand Rapids	1 ⁵
Fair Housing Center of Southwest Michigan	3

STRATEGIES FOR SUCCESS

Clearly, housing discrimination against lesbians and gay men is pervasive in Michigan. There is much work to do. Suggestions for action follow.

⁵ Though sexual orientation discrimination was not claimed, the case involved two women denied housing because they were not related by marriage.

Amending the Michigan Elliott-Larsen Civil Rights Act

One important strategy for success would be to amend the Michigan Elliott-Larsen Civil Rights Act. The Elliott-Larsen Civil Rights Act⁶ was enacted in the 1970s to protect the citizens of Michigan from discrimination based on employment, housing, and public accommodations. The Act states the following:

Article 1 Sec. 102.

(1) The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status as prohibited by this act, is recognized and declared to be a civil right.

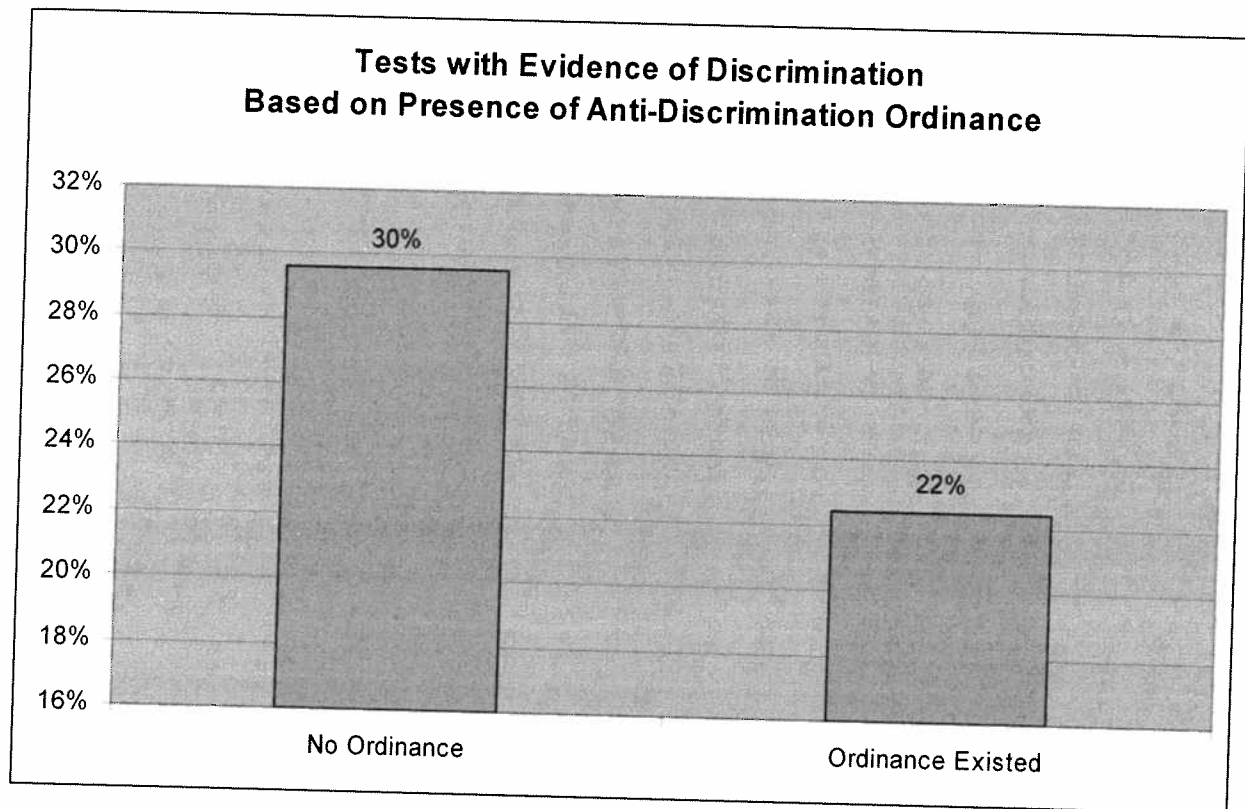
A number of Michigan lawmakers have introduced bills amending the Michigan Elliott-Larsen Civil Rights Act to include sexual orientation and gender identity or expression. In 1997 State Representative Pan Godchaux (R-Birmingham) introduced a bill to amend the Michigan Elliott-Larsen Civil Rights Act to include “sexual orientation.” Representative Godchaux tried again to amend Elliott-Larsen in 2001.

In 2003 Michigan State Representative Chris Kolb (D-Ann Arbor) introduced another house bill to amend the Michigan Elliott-Larsen Civil Rights Act to include “sexual orientation” and “gender identity.” State Senator Liz Brater (D-Ann Arbor) supported Kolb’s bill by introducing a senate bill to amend Elliott-Larsen to include “sexual orientation.” In 2005, Kolb and Brater reintroduced their respective bills to add “sexual orientation” and “gender identity or expression.” These bills were blocked by the speaker from going forward. The Triangle Foundation, the ACLU of Michigan, and the Log Cabin Republicans of Michigan have worked and lobbied to pass these amendments.

⁶ ELLIOTT- LARSEN CIVIL RIGHTS ACT PA 453. The Act which includes Articles 1-8 was approved by the Governor of Michigan on January 13, 1977.

Local Ordinances

Without a state or federal law to ban housing discrimination based on sexual orientation, and gender identity or expression, local ordinances become an important—albeit weaker—way to promote fair housing. Some local ordinances do not have significant penalties attached to them; other local ordinances are not widely known. Very few (if any) complaints have been associated with them.



Nonetheless, based on the evidence from this testing project, we believe that local ordinances can play an important role in ending discrimination based on sexual orientation. Overall, the fair housing centers performed 120 tests, and found evidence in 27% of them. However, in areas where there was an ordinance, only 22% of the tests uncovered evidence of discrimination. In areas without an ordinance, 30% of the tests uncovered discrimination.

In particular, the ability to publicize that this is illegal housing discrimination is a way to a) let same-sex couples know their rights and b) let landlords, realtors, and others involved in the

housing industry understand that their commitment to fair housing law needs to include a commitment to non-discrimination based on sexual orientation.

As with all civil rights law, education without effective enforcement does not deter those who believe themselves above the law. A model local ordinance would include the opportunity for the claimant to engage in a private right of action to enforce his/her rights under the ordinance. The ordinance must also have a meaningful fine or punishment in order to effectively curtail future violations.

Litigation Strategies

Even without a specific protection under the federal Fair Housing or state Elliott-Larsen acts, there may be opportunities to pursue fair housing complaints that are related to same-sex couples—namely, to pursue these complaints under marital status or sex protections.

To pursue cases of housing discrimination based on sexual orientation, the Michigan Fair Housing Centers can use the marital status provisions of the Michigan Elliott-Larsen Civil Rights Act and/or the Federal Fair Housing Act prohibition of sex discrimination.

These strategies have not been fully explored to date. One fair housing case was filed in Michigan for a lesbian couple using sex and marital status protections available under federal law and state law. It should be noted that this case was settled before trial (See *Fogel v University Townhouses*). Another fair housing case was filed in Michigan for two heterosexual men based on sex discrimination. This case was also settled before trial (see *Moody and Stowe v Frey*). So, in both cases, the issues were never litigated, but they were able to be publicized.

Finally, in this study, at least two testers noted treatment that was sexual harassment. Sexual harassment can be pursued as a fair housing complaint based on sex discrimination.

Gay couple sues housing co-op

By SUSAN OPPAT
NEWS STAFF REPORTER

A lesbian couple has filed a lawsuit against the University Townhouses Cooperative in Ann Arbor, claiming they were refused housing because they are gay.

The women, who have lived together for 13 years and participated in a commitment ceremony at an Ann Arbor church, "are only asking to be treated as a family — the family they have been to each other for many years," according to attorney Helen V. Gallagher.

Carla Daniels and Gretchen Fogel took their complaint to the Fair Housing Center of Ann Arbor before they filed suit Thursday, the last day before the three-year statute of limitations ran out.

A tester from the center, representing herself as a partner in a

same-sex relationship, got the same refusal recently, according to Executive Director Pam Kisch.

The center is supporting the civil rights suit, filed in Washtenaw Circuit Court against the cooperative, past board president David Thompson and current president Khalil Samaha. Kisch said she was unaware of any previous, similar suits in Washtenaw County.

According to the suit, the women applied for an apartment on March 4, 1991, and a co-op worker told them that applicants must be related by blood or marriage.

According to the suit, the women challenged that, saying they knew of unmarried couples who lived in the co-op. They also noted that the townhouse application form said, "Unmarried couples (male and female) constitute a family too."

Still, the worker refused the ac-

cept the women's application, the suit says.

The women are demanding an injunction against further discrimination, and more than \$10,000 in damages, citing the Michigan Elliott-Larsen civil rights act. It prohibits discrimination based on gender, handicap, race, age or marital status, and a March 1991 Ann Arbor city ordinance prohibiting discrimination based on sexual orientation.

The co-op is a large complex of federally supported, low-income townhouses on Braeburn Circle, off Ellsworth Road on the south side of Ann Arbor.

A 1991 letter from Thompson to the women said the co-op's definition of family — two people related by blood or marriage, or an unmarried male and female — had been in use for 20 years, and was part of a regulatory agreement with the fed-

eral Housing and Urban Development department, which built and supports the housing complex.

Thompson and Samaha did not return messages from The News Friday. Property manager Alonso Restrepo declined comment on the suit.

But Ruth Featherstone, spokeswoman for the HUD fair housing division, said, "We don't define a family under the federal civil rights law. Some of our housing is specifically for families. Then there would be some definition, depending what funding section the housing was built under."

But she said Elliott-Larsen does prohibit discrimination based on marital status, and HUD would not try to "impose" a definition of family that contradicted state law.

Fogel and Daniels v University Townhouses

Ann Arbor

Gretchen Fogel and Carla Daniels were denied the opportunity to apply jointly for a two-bedroom unit because they were not related by blood or law. Unmarried applicants of the opposite sex were considered a family. Cooperating Attorney Helen Gallagher filed suit claiming discrimination based on sex, marital status, and sexual orientation.

Court: State

Settlement: Non-Disclosed, includes moving expenses

Moody and Stowe v Frey

Ann Arbor

Two heterosexual men accepted \$20,000 to settle their sex discrimination suit against Roland and Joan Frey of Ann Arbor. According to the suit, Roland and Joan Frey refused to rent their Potter Street apartment to two men. The men contacted the Fair Housing Center to report the incident. Male and female testers were used to support the claim of discrimination based on gender. Stowe and Moody initially asked FHC staff to resolve the case without litigation. The Frey's, through their attorney, offered the men \$100.00 to settle the case. Filed in Federal District Court, by Fair Housing Center Cooperating Attorney Steve Tomkowiak, the case was assigned to Judge George Caram Steeh.

Court: Federal

Settlement: \$20,000

The Role of Fair Housing Centers

Fair housing centers have an important role to play in expanding housing opportunities for the LGBT community. Ongoing acceptance of fair housing complaints from LGBT complainants; ongoing testing of these complaints; and possible referral of complaints for litigation and/or administrative action are important activities for fair housing centers.

Fair housing centers can also advocate for LGBT complainants through available city enforcement processes, first by letting potential complainants know of their existence, and second by assisting them in the complaint process, much as fair housing centers currently work with HUD and MDCR on behalf of complainants.

It is likely that some potential complainants—even in cities with ordinances that include a sexual orientation protection—may not know about the protections in the ordinance.

Public Service Announcements may serve a dual purpose of letting both LGBT complainants and landlords know that discrimination based on sexual orientation is illegal in these geographic areas.

The experience of the fair housing centers in publicizing discrimination based on disability and familial status is that the publicity alone does appear to educate both landlords and tenants, and reduce some discrimination.

Fair housing centers may want to do a sample survey of lesbians and gay men to see if they have faced discrimination in housing but have failed to report or complain about this discrimination. Fair housing centers may also want to investigate whether gender identity, in concert with race or familial status, may affect the level of discrimination.

Fair housing groups can include LGBT testing as part of their contracts with local governments that have an ordinance prohibiting discrimination based on sexual orientation and/or gender identity.

In addition, based on the limited survey testing done during this time period, it appears that regular survey testing should be used to expand our understanding of the nature of discrimination against LGBT community in Michigan's housing market.

Finally, fair housing centers and LGBT advocacy groups should build alliances to pursue implementation of local ordinances with enforcement mechanisms, as well as the expansion of the Elliott-Larsen Civil Rights Act protections.

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APPENDIX

Testing Log: Fair Housing Center of Metropolitan Detroit

Test #	Test Date	Race	Same-sex Couple's Gender	Transaction Type	Property Description	Outcome	Property Location
AR-05-09	7/10/05	B/B	Women	Rental	Multi-Family 5+	Evidence	Detroit/Wayne
AR-05-23	7/30/05	W/W	Women	Sales	House	Evidence	Birmingham/Oakland
AR-05-27	7/25/05	W/W	Men	Mortgage	House	Evidence	Westland/Wayne
AR-05-19	8/5/05	B/B	Women	Sales	House	INC	Detroit/Wayne
AR-05-31	8/7/05	B/B	Women	Mortgage	House	INC	Detroit/Wayne
AR-05-32	9/9/05	B/B	Women	Mortgage	House	INC	Detroit/Wayne
AR-05-12	8/5/05	W/W	Men	Rental	Multi-Family 5+	INC	Birmingham/Oakland
AR-05-20	8/3/05	W/W	Women	Sales	House	INC	Dearborn/Wayne
AR-05-25	8/9/05	W/W	Men	Mortgage	House	INC	Farmington Hills/Oak.
AR-05-26	8/8/05	W/W	Men	Mortgage	House	INC	Novi/Oakland
AR-05-29	7/25/05	W/W	Men	Mortgage	House	INC	Taylor/Wayne
AR-05-15	6/20/05	W/W	Men	Sales	House	INC	Trenton/Wayne
AR-05-07	5/21/05	W/W	Women	Rental	Multi-Family 5+	INC	Warren/Macomb
AR-05-08	6/13/05	B/B	Women	Rental	Multi-Family 5+	NSD	Detroit/Wayne
AR-05-14	6/15/05	W/W	Men	Sales	House	NSD	Allen Park/Wayne
AR-05-24	7/30/05	W/W	Women	Sales	House	NSD	Birmingham/Oakland
AR-05-22	7/30/05	W/W	Women	Sales	House	NSD	Bloomfield Hills/Oakland
AR-05-01	5/18/05	W/W	Men	Rental	Multi-Family 5+	NSD	Canton/Wayne
AR-05-28	7/25/05	W/W	Men	Mortgage	House	NSD	Canton/Wayne
AR-05-17	7/30/05	W/W	Women	Sales	House	NSD	Chesterfield Twp/Macomb

Test #	Test Date	Race	Same-sex Couple's Gender	Transaction Type	Property Description	Outcome	Property Location
AR-05-02	6/9/05	W/W	Men	Rental	Multi-Family 5+	NSD	Dearborn/Wayne
AR-05-03	5/23/05	W/W	Men	Rental	Multi-Family 5+	NSD	Farmington Hills/Oak
AR-05-13	6/15/05	W/W	Men	Sales	House	NSD	Flat Rock/Wayne
AR-05-16	7/30/05	W/W	Women	Sales	House	NSD	Grosse Pte. Farms/Wayne
AR-05-35	8/25/05	W/W	Women	Mortgage	House	NSD	Harper Woods/Wayne
AR-05-21	8/3/05	W/W	Women	Sales	House	NSD	Livonia/Wayne
AR-05-30	8/16/05	W/W	Women	Mortgage	House	NSD	Livonia/Wayne
AR-05-04	5/25/05	W/W	Men	Rental	Multi-Family 5+	NSD	Northville/Wayne
AR-05-11	6/4/05	W/W	Women	Rental	Multi-Family 5+	NSD	Rochester/Macomb
AR-05-05	5/21/05	W/W	Women	Rental	Multi-Family 5+	NSD	Roseville/Macomb
AR-05-36	8/17/05	W/W	Women	Mortgage	House	NSD	Roseville/Macomb
AR-05-06	5/21/05	W/W	Women	Rental	Multi-Family 5+	NSD	Sterling Hgts/Macomb
AR-05-18	7/30/05	W/W	Women	Sales	House	NSD	Sterling Hgts/Macomb
AR-05-10	6/6/05	W/W	Men	Rental	Multi-Family 5+	NSD	Taylor/Wayne
AR-05-34	8/6/05	W/W	Women	Mortgage	House	NSD	Troy/Oakland
AR-05-33	8/16/05	W/W	Women	Mortgage	House	NSD	W. Bloomfield/Oakland

Testing Log: Fair Housing Center of West Michigan

Test #	Test Date	Race	Same-sex Couple's Gender	Transaction Type	Property Description	Outcome	Property Location
05KZOO-32	7/28/2005	W/W	Men	Mortgage	House	Evidence	Grand Rapids
05KZOO-03	7/21/2005	W/W	Men	Rental	Multi-Family 5+	Evidence	Grand Rapids
05KZOO-06	7/21/2005	W/W	Men	Rental	Multi-Family 5+	Evidence	Grand Rapids
05KZOO-26	8/9/2005	W/W	Women	Mortgage	House	Evidence	Grand Rapids
05KZOO-34	7/28/2005	W/W	Women	Mortgage	House	Evidence	Kentwood
05KZOO-08	6/28/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Wyoming
05KZOO-15	7/16/2005	W/W	Women	Sales	House	Evidence	Grand Rapids
05KZOO-23	7/15/2005	W/W	Women	Sales	House	Evidence	Kentwood
05KZOO-25	7/28/2005	W/W	Men	Mortgage	House	NSD	Grand Rapids
05KZOO-29	7/29/2005	W/W	Men	Mortgage	House	NSD	Grand Rapids
05KZOO-30	7/29/2005	W/W	Men	Mortgage	House	NSD	Grand Rapids
05KZOO-31	7/28/2005	W/W	Men	Mortgage	House	NSD	Grand Rapids
05KZOO-35	7/26/2005	W/W	Men	Mortgage	House	NSD	Grand Rapids
05KZOO-01	7/21/2005	W/W	Men	Rental	Multi-Family 5+	NSD	Grand Rapids
05KZOO-02	7/21/2005	W/W	Men	Rental	Multi-Family 5+	NSD	Grand Rapids
05KZOO-04	7/21/2005	W/W	Men	Rental	Multi-Family 5+	NSD	Grand Rapids
05KZOO-05	7/21/2005	W/W	Men	Rental	Multi-Family 5+	NSD	Grand Rapids
05KZOO-16	8/4/2005	W/W	Men	Sales	House	NSD	Grand Rapids
05KZOO-17	8/5/2005	W/W	Men	Sales	House	NSD	Grand Rapids
05KZOO-19	8/4/2005	W/W	Men	Sales	House	NSD	Grand Rapids
05KZOO-20	8/4/2005	W/W	Men	Sales	House	NSD	Grand Rapids
05KZOO-24	7/30/2005	W/W	Men	Sales	House	NSD	Grand Rapids
05KZOO-18	8/4/2005	W/W	Men	Sales	House	NSD	Grand Rapids
05KZOO-27	8/9/2005	W/W	Women	Mortgage	House	NSD	Wyoming
05KZOO-28	8/3/2005	W/W	Women	Mortgage	House	NSD	Grand Rapids
05KZOO-33	8/3/2005	W/W	Women	Mortgage	House	NSD	Grand Rapids

Test #	Test Date	Race	Same-sex Couple's Gender	Transaction Type	Property Description	Outcome	Property Location
05KZOO-36	8/9/2005	W/W	Women	Mortgage	House	NSD	Grand Rapids
05KZOO-07	6/28/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Comstock Park
05KZOO-10	6/28/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Comstock Park
05KZOO-11	6/24/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Grand Rapids
05KZOO-12	8/20/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Grand Rapids
05KZOO-09	6/28/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Grand Rapids
05KZOO-13	7/19/2005	W/W	Women	Sales	House	NSD	Wyoming
05KZOO-14	7/12/2005	W/W	Women	Sales	House	NSD	Grand Rapids
05KZOO-21	8/3/2005	W/W	Women	Sales	House	NSD	Grand Rapids
05KZOO-22	7/19/2005	W/W	Women	Sales	House	NSD	Wyoming

Testing Log: Fair Housing Center of Southeast Michigan

Test #	Test Date	Race	Same-sex Couple's Gender	Transaction Type	Property Description	Outcome	Property Location
ARC-05-23	1/31/2006	W/W	Women	Mortgage	House	Evidence	Manchester
ARC-05-25	12/9/2005	W/W	Men	Mortgage	House	Evidence	Ypsilanti
ARC-05-34	12/9/2005	W/W	Men	Mortgage	House	Evidence	Ypsilanti
ARC-05-02	7/23/2005	B/W	Women	Rental	Multi-Family 5+	Evidence	Saline
ARC-05-03	10/28/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Whitmore Lake
ARC-05-04	8/7/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Whitmore Lake
ARC-05-06	12/23/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Ypsilanti Twp.
ARC-05-08	7/25/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Milan
ARC-05-09	8/26/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Ypsilanti
ARC-05-12	8/12/2005	W/W	Women	Sales	House	Evidence	Ann Arbor
ARC-05-13	12/23/2005	W/W	Women	Sales	House	Evidence	Ann Arbor/ Pittsfield Twp.
ARC-05-15	1/21/2006	W/W	Women	Sales	House	Evidence	Chelsea
ARC-05-16	11/18/2005	W/W	Women	Sales	House	Evidence	Clinton
ARC-05-22	10/11/2005	W/W	Women	Sales	House	Evidence	Manchester
ARC-05-24	10/27/2005	W/W	Men	Sales	House	Evidence	Whitmore Lake
ARC-05-17	11/18/2005	W/W	Women	Mortgage	House	INC	Clinton
ARC-05-19	10/6/2005	W/W	Women	Mortgage	House	NSD	Milan
ARC-05-21	10/21/2005	W/W	Women	Mortgage	House	NSD	Monroe
ACR-05-26	2/6/2006	W/W	Men	Mortgage	House	NSD	Saline
ARC-05-27	12/23/2005	W/W	Women	Mortgage	House	NSD	Dexter
ARC-05-28	11/14/2005	W/W	Women	Mortgage	House	NSD	Saline
ARC-05-32	12/5/2005	W/W	Women	Mortgage	House	NSD	Monroe
ACR-05-33	2/8/2006	W/W	Men	Mortgage	House	NSD	Ann Arbor
ACR-05-35	2/9/2006	W/W	Men	Mortgage	House	NSD	Ann Arbor
ARC-05-36	12/14/2005	W/W	Women	Mortgage	House	NSD	Dexter

Test #	Test Date	Race	Same-sex Couple's Gender	Transaction Type	Property Description	Outcome	Property Location
ARC-05-01	6/17/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Ann Arbor
ARC-05-05	8/26/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Ypsilanti
ARC-05-07	7/27/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Milan
ARC-05-10	8/8/2005	W/L	Women	Rental	Multi-Family 5+	NSD	Ypsilanti
ARC-05-11	11/14/2005	W/W	Women	Rental	Multi-Family 5+	NSD	Ypsilanti
ARC-05-30	11/11/2005	W/W	Men	Rental	Multi-Family 5+	NSD	Ypsilanti Twp.
ARC-05-14	11/12/2005	W/W	Women	Sales	House	NSD	Ypsilanti
ARC-05-18	10/6/2005	W/W	Women	Sales	House	NSD	Milan
ARC-05-20	10/22/2005	W/W	Women	Sales	House	NSD	Milan
ARC-05-29	11/11/2005	W/W	Men	Sales	House	NSD	Ypsilanti
ARC-05-31	12/5/2005	W/W	Women	Sales	House	NSD	Monroe

Testing Log: Fair Housing Center of Southwest Michigan

Test #	Test Date	Race	Same-sex Couple's Gender	Transaction Type	Property Description	Outcome	Property Location
GLBT-05-004	7/22/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Paw Paw
GLBT-05-007	8/5/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Battle Creek
GLBT-05-008	8/3/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Battle Creek
GLBT-05-009	8/5/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Battle Creek
GLBT-05-011	8/5/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Battle Creek
GLBT-05-012	8/12/2005	W/W	Women	Rental	Multi-Family 5+	Evidence	Marshall
GLBT-05-001	7/22/2005	W/W	Women	Rental	Multi-Family 5+	INC	Plainwell
GLBT-05-003	8/11/2005	W/W	Women	Rental	Multi-Family 5+	INC	Benton Harbor
GLBT-05-005	7/26/2005	W/W	Men	Rental	Multi-Family 5+	INC	Kalamazoo
GLBT-05-006	8/2/2005	W/W	Men	Rental	Multi-Family 5+	INC	Battle Creek
GLBT-05-010	8/12/2005	W/W	Women	Rental	Multi-Family 5+	INC	Battle Creek
GLBT-05-002	7/22/2005	W/W	Women	Rental	Multi-Family 5+	INC	Richland
				Rental	Multi-Family 5+	NSD	St. Joseph

Sexual Orientation and Housing Discrimination in Michigan

A Report of Michigan's Fair Housing Centers - 2007

- 120 tests were completed in 39 cities in and around Ann Arbor, Detroit, Grand Rapids and Kalamazoo.
- Each test compared the treatment of a same-sex couple to a married male/female couple.
- 27% of the Michigan tests showed evidence of discrimination based on sexual orientation.
- In Michigan cities without a non-discrimination ordinance, 30% of tests showed discrimination against same-sex couples.
- In Michigan cities with a non-discrimination ordinance, discrimination dropped to 22%.
- 33% of the rental properties tested showed evidence of discrimination against same-sex couples.
- 25% of 'homes for sale' tests showed bias against same-sex couples.
- 20% of mortgage tests showed less favorable treatment of same-sex couples.
- 16 Michigan cities ban discrimination based on sexual orientation: Ann Arbor, Birmingham (limited to housing), Dearborn Heights, Detroit, Village of Douglas (sexual orientation), East Lansing (sexual orientation), Ferndale, Flint (sexual orientation), Grand Ledge (sexual orientation), Grand Rapids, Huntington Woods, Lansing, Saginaw (housing only sexual orientation), City of Saugatuck, Township of Saugatuck and Ypsilanti.
- 20 states ban housing discrimination based on sexual orientation. Michigan is not one of them.

FAQ's - HB 4192

Amending Michigan's Civil Rights Laws to Include Sexual Orientation and Gender Identity

Civil rights laws work not because we are able to haul those who disobey them to court but because when we say as a society that no one should lose a job because of religion, decent and law abiding people accept that. People accept it because our laws are, above all, a statement of what we believe as a people. So too with a law against sexual orientation discrimination. And what we say with a civil rights law banning discrimination based on sexual orientation is not that we endorse being gay or being heterosexual, any more than our civil rights laws against religious discrimination endorse being Christian, or Jewish or Muslim or agnostic. A law against sexual orientation discrimination says that we really believe the American promise that every one should have a fair chance to go where their brains and guts and grit can take them. A law against sexual orientation discrimination says that we really believe in that promise, and that we want it to be real.

Still, there are many questions and a high level of confusion and distrust when we talk about civil rights protections for our LGBT citizens. The FAQ's below can help you address those who have such concerns.

1. DON'T FEDERAL AND STATE LAWS ALREADY PROVIDE PROTECTION TO GAYS AND LESBIANS?

No. Federal protection against sexual orientation and gender identity discrimination does not exist. In Michigan, there is no state law that protects against sexual orientation and gender identity discrimination.

2. ARE THESE SPECIAL RIGHTS?

No. The right to get and keep a job based on merit is not a special right. Equal access to housing is not a special right. Renting a hotel room and being served food in a restaurant are not special rights. The right to have and raise children without the state seizing them is not a special right. The right to walk down a street and not get attacked because of who you are and whom you love is not a special right. Gay and lesbian people want the same rights guaranteed to all American citizens. However, without civil rights laws which specifically ban discrimination based on sexual orientation, gay people can lose their jobs, their homes, and their families and be refused service at public accommodations simply because they are gay — with no legal recourse.

3. WILL THIS LEGISLATION LEAD TO PREFERENTIAL TREATMENT FOR GAYS AND LESBIANS IN THE WORKPLACE?

No. This legislation does not indicate quotas or other employment practices that could result in preferential treatment based on sexual orientation or gender identity.

4. IF SOME BELIEVE THAT BEING GAY OR LESBIAN IS A CHOICE, IS CIVIL RIGHTS PROTECTION APPROPRIATE?

We have an extensive body of civil rights law which protects people from discrimination based on decisions that stem from important parts of who they are. For example, we prohibit discrimination based on religion, and in most states we prohibit discrimination based on marital status, both of which typically involve change and choice.

The truth, at least right now, is that nobody knows why an individual has a particular sexual orientation or gender identity, so there is no way to settle an argument about it. Moreover, many people have very strong emotional commitments to their personal views about the origins of sexual orientation and gender identity.

5. HOW WILL THIS LEGISLATION AFFECT MICHIGAN BUSINESSES?

It may help Michigan businesses by creating a more inclusive and tolerant environment, which is the environment preferred by our up and coming high-tech workforce. In Michigan, Borders, General Motors, Ford, Chrysler, Compuware, Kellogg's, Dykema Gosset, Meijer's, Herman Miller, Inc., Steelcase and Whirlpool are among those companies that have LGBT inclusive policies.

Half of the Fortune 500 companies have LGBT inclusive policies. And, of the 519 Fortune 1000 companies surveyed by the Human Rights Campaign, 98 percent prohibit unfair employment practices for gay employees.

Additionally, there is virtually nothing a business must do to be in compliance with the legislation except not discriminate. The cost of lawsuits is also not an issue that should cause problems. If the law is enforced outside of court, it probably isn't expensive. Some claim that it would force businesses to hire LGBT employees to avoid appearing discriminatory. Companies surveyed that have anti-discrimination policies state that this is not the case.

6. HOW WILL THIS LAW AFFECT RELIGIOUS INSTITUTIONS?

It will not. Our United States constitution provides for separation of church and state and this legislation would not apply to religious activities (including marriages) of religious institutions. A religious institution could limit employment opportunities, housing facilities or accommodations that are operated as a direct part of the religious activities to persons who are members of or who conform to the moral tenets of that religious institution.

7. DOES THIS PROHIBIT ME FROM EXPRESSING MY OPINION THAT I BELIEVE HOMOSEXUALITY IS MORALLY WRONG?

No. A person's freedom of speech is constitutionally protected and the legislation would not prohibit a person from expressing his/her opinion regarding homosexuality.

8. ISN'T THIS LAW UNFAIR TO OTHERS WHO THINK BEING LGBT IS WRONG?

This argument is often put in a religious framework: It is unfair to make people who think being gay is sinful to work with or hire LGBT people.

It's first important to note that the law does not say that people have to change their views, or that they have to ask LGBT people over to dinner. It says LGBT people can't lose their jobs or homes, or be discriminated against simply because someone disapproves of them.

Lots of sincere, mainstream people think all non-Christians are wrong, sinful and condemned. Yet we don't, as a society, condone or allow someone to lose their job because they are not a Christian. Like all civil rights policies, its idea is that in a nation as diverse as ours, in which people need to work to live, a person's ability and right to earn a living and provide for their family should not depend on another person's dislike or disapproval.

9. WOULDN'T THIS CHANGE IN THE LAW MEAN THAT THE GLBT COMMUNITY COULD BE CONSIDERED A MINORITY, LIKE AN ETHNIC MINORITY? THE SUPREME COURT HAS ALREADY SAID THEY'RE NOT.

Gay men and lesbians are a numerical minority in American society. Like ethnic minorities, they face job loss, evictions, non-service at public accommodations, and the loss of their children simply because of who they are. And like other minorities, gay people face harassment, physical assault, and murder based on an assailant's hatred toward the entire group. A Department of Justice study reported that "homosexuals are the most frequent victims" of hate crime. "Minority status" affords no benefits to anyone; rather it provides guidelines to attempt to redress the inequalities that impair the exercise of constitutionally guaranteed freedoms, including equal protection under the law. Our constitution says that all people are created equal — that must include gay and lesbian people as well.

10. HOW MANY STATES HAVE LAWS THAT PROHIBIT DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY?

- 20 States and DC prohibit discrimination based on sexual orientation: *California, Colorado, Connecticut, D.C., Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington and Wisconsin.*
- 13 States and DC prohibit discrimination based on sexual orientation and gender identity: *California, Colorado, D.C., Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington.*

11. HOW MANY MICHIGAN CITIES HAVE HUMAN RIGHTS ORDINANCES THAT COVER SEXUAL ORIENTATION AND/OR GENDER IDENTITY AND GENDER EXPRESSION?

- 16 - Ann Arbor, Birmingham (limited to housing), Dearborn Heights, Detroit, Village of Douglas (sexual orientation), East Lansing (sexual orientation), Ferndale, Flint (sexual orientation), Grand Ledge (sexual orientation), Grand Rapids, Huntington Woods, Lansing, Saginaw (housing only sexual orientation), City of Saugatuck, Township of Saugatuck and Ypsilanti.

Talking Points - HB 4192

Amending Michigan's Civil Rights Laws to Include Sexual Orientation and Gender Identity

Equal rights, not special rights.

Gay and lesbian people want the same rights guaranteed to all Michigan residents. However, without civil rights laws which specifically protect a person from being fired or denied housing because they are or appear to be gay, Michigan citizens can lose their jobs, their homes, and their families— with no legal recourse.

Workplace fairness is a basic American value.

Polls consistently show that a vast majority of Americans support workplace protections for all people. Since Gallup started measuring public opinion on workplace protections for gay people, support has risen from 56 percent in the 1970s to 89 percent today. In Michigan, public support for expanding our civil rights laws to include protection for LGBT citizens stands at 77percent. Across the board, the majority of Americans believe employment decisions should be based on a person's qualifications and work ethic. And it goes inherently against our American values to fire someone based solely upon who they are or whom they love.

Inclusive states and cities attract more business and talent.

States and cities that restrict rights for gay and lesbian people tend to rank at the bottom for attracting high-tech businesses. Regions and companies that are open, inclusive, and tolerant are economic powerhouses. Of the 519 Fortune 1000 companies surveyed by the Human Rights Campaign, 98 percent prohibit unfair employment practices for gay employees. In addition, there are no compliance costs because it doesn't cost a thing to make employment decisions based on merit.

Michigan can use the boost.

Since 2001, migration has cost Michigan 465,000 citizens. In 2007 alone, Michigan suffered a net loss migration of 18,000 adults with bachelor's degree or higher. Those leaving Michigan had an annual income 20 percent higher than those who moved in.

Legislation rewards hard work.

The legislation explicitly prohibits quotas or other employment practices that could result in preferential treatment based on sexual orientation or gender identity. It simply gives all Michiganders a fair shake at working hard to get ahead.

Religious Institutions are not affected by this legislation.

The legislation also exempts religious activities including marriages and religious organizations, including schools and institutions of higher learning owned or operated by a religious organization. Therefore a religious institution could limit employment opportunities, housing facilities or accommodations that are operated as a direct part of the religious activities to persons who are members of or who conform to the moral tenets of that religious institution.